

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 15-895V

Filed: September 16, 2016

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|                     |   |                                  |
|---------------------|---|----------------------------------|
| JOSE H GABALDA,     | * | <b>UNPUBLISHED</b>               |
|                     | * |                                  |
|                     | * | Special Master Hamilton-Fieldman |
| Petitioner,         | * |                                  |
|                     | * |                                  |
| v.                  | * | Attorneys' Fees and Costs;       |
|                     | * | Reasonable Amount Requested      |
| SECRETARY OF HEALTH | * | to which Respondent Does Not     |
| AND HUMAN SERVICES, | * | Object.                          |
|                     | * |                                  |
| Respondent.         | * |                                  |

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Nancy R. Meyers, Ward Black Law, P.A., Greensboro, NC, for Petitioner.

Julia W. McInerny, United States Department of Justice, Washington, DC, for Respondent.

## DECISION<sup>1</sup>

On August 19, 2015, Jose Gabalda (“Petitioner”) petitioned for compensation under the National Childhood Vaccine Injury Act of 1986, 42 U.S.C. §§ 300aa-1 to -34 (2012). Petitioner alleged that the administration of an influenza vaccine on September 19, 2014 caused him to suffer Guillain-Barré Syndrome. On July 14, 2016, the undersigned issued a decision awarding compensation to Petitioner pursuant to a joint stipulation of the parties.

On September 16, 2016, Petitioner filed an unopposed application for attorneys’ fees and

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<sup>1</sup> Because this decision contains a reasoned explanation for the undersigned’s action in this case, the undersigned intends to post this ruling on the website of the United States Court of Federal Claims, in accordance with the purposes espoused in the E-Government Act of 2002. See 44 U.S.C. § 3501 (2012). Each party has 14 days within which to request redaction “of any information furnished by that party: (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy.” Vaccine Rule 18(b).

costs. Petitioner requests compensation in the amount of \$10,515.00.00 in attorneys' fees and \$573.18 in costs (of which Petitioner bore none). Petitioner requests a total of \$11,088.18 in attorneys' fees and costs. "Respondent, through counsel, does not object to an award in that amount." Petitioner's Application at 1, filed Sept. 16, 2016.

In accordance with the Vaccine Act, 42 U.S.C. § 300aa-15(e) (2012), the undersigned finds that Petitioner's request for fees and costs is reasonable. **Accordingly, the undersigned hereby awards the amount of \$11,088.18, in the form of a check made payable jointly to Petitioner and Petitioner's counsel, Nancy R. Meyers, of Ward Black Law, P.A.** In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court shall enter judgment in accordance herewith.<sup>2</sup>

**IT IS SO ORDERED.**

/s/Lisa D. Hamilton-Fieldman  
Lisa D. Hamilton-Fieldman  
Special Master

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<sup>2</sup> Entry of judgment can be expedited by each party's filing of a notice renouncing the right to seek review. Vaccine Rule 11(a).